

# Helensburgh and Stanwell Park Land Sale and Variation of Trusts Ordinance 2024

(Reprinted under the Interpretation Ordinance 1985.)

The Helensburgh and Stanwell Park Land Sale and Variation of Trusts Ordinance 2024 as amended by the Helensburgh and Stanwell Park Land Sale and Variation of Trusts Ordinance 2024 Amendment Ordinance 2024.

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## Long Title

An Ordinance to permit the sale of certain land at Stanwell Park, and to provide for the application of the proceeds of sale.

## Preamble

A. Anglican Church Property Trust Diocese of Sydney (the “ACPT”) is the registered proprietor of the land contained in folio identifier 68/5275 known as 54 Stanwell Avenue Stanwell Park and the site of St George’s Church Stanwell Park (the “Land”).

B. The Land is church trust property and forms part of the property of the ACPT – Helensburgh and Stanwell Park Trust which, under the *Helensburgh and Stanwell Park Trust Ordinance 2015*, is held for the purposes of the parish of Helensburgh and Stanwell Park (the “Parish”).

C. By reason of circumstances which have arisen after the creation of the trusts on which the Land is held, it is inexpedient to carry out and observe those trusts and it is expedient to vary those trusts in the manner set out in this Ordinance and it is expedient that the Land be sold and that the proceeds be applied in the manner set out in this Ordinance.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

### 1. Name

This Ordinance is the Helensburgh and Stanwell Park Land Sale and Variation of Trusts Ordinance 2024.

### 2. Declarations

By reason of circumstances which have arisen after the creation of the trusts on which the Land is held –

- (a) inexpedient to carry out or observe those trusts, or to deal with or apply such property for the same or like purposes as those trusts or wholly for the purposes of the Parish, and
- (b) expedient that the Land be sold and that the proceeds be applied in the manner set out in clause 5.

### 3. Variation of Trust

The trusts of the ACPT – Helensburgh and Stanwell Park Trust are varied to the extent necessary to permit the payment set out in clause 5(1)(e).

### 4. Power of Sale

(1) The ACPT is authorised to sell the Land subject to such terms and conditions as it may think fit within 3 years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee given by resolution.

(2) The authority to sell the Land arises only after the license or sentence of consecration of the church on the Land has been revoked.

### 5. Allocations from the ACPT – Helensburgh and Stanwell Park Trust

(1) Subject to clause 5(2) the ACPT is directed that it may make the following payments from the capital of the ACPT – Helensburgh and Stanwell Park Trust –

- (a) first, the costs and expenses of and incidental to this Ordinance and the sale of the Land, and
- (b) second, to purchase a residence suitable for housing the minister of the Parish, including the costs of and incidental to any renovations or improvements necessary to render the acquired property suitable for the minister, and
- (c) third, towards any renovations or improvements necessary to the existing Rectory, and
- (d) fourth, towards repayment of the Parish's existing loan, to the amount of approximately \$190,000, from Sydney Anglican Loans for the purchase of the church hall at the Church of the Holy Redeemer Helensburgh, and
- (e) 50% of the balance to be paid as an addition to the capital of the Ministry Infrastructure Development Fund to fund the acquisition of land and the construction of new ministry centres in the Diocese.

(2) No payment is to be made under clause 5(1) until the Land has been sold and the proceeds of sale paid to the ACPT.

### 6. Capitalisation of income

Notwithstanding clause 7 of the *Helensburgh and Stanwell Park Trust Ordinance 2015*, all income arising from the investment of that part of the ACPT – Helensburgh and Stanwell Park Trust which comprises proceeds from the sale of the Land is to be capitalised.

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### Notes

1. The original form of ordinance was assented to on 25 March 2024.

### Table of Amendments

Clause 5 Amended by Ordinance No 35, 2024.

NAOMIE NGUYEN  
Lawyer

BRIONY BOUNDS  
Diocesan Secretary

22 November 2024